

City of Bellevue



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Via Facsimile and Regular Mail

November 15, 2011

Mr. Richard F. Krochalis, Regional Administrator
Federal Transit Administration
Jackson Federal Building
915 Second Avenue, Ste 3142
Seattle, WA 98174

CR# 48137 DATE 11-16-11 LOC

Dear Mr. Krochalis:

The City of Bellevue appreciates the opportunity to clarify and update comments that the City has previously submitted regarding the Section 4(f) analysis included in the Draft EIS and Final EIS for the East Link Project. Since sending our letter of August 29, 2011 on this subject, the City has taken the opportunity to continue coordination with Sound Transit on these issues. This letter is intended to address the City's past comments submitted to FTA on 4(f) and historic resource impacts, and not other comment letters submitted by the City.

With incorporation of design modifications and park and historic resource impact mitigation commitments as described below, Sound Transit has shown that it is conducting "all possible planning... to minimize harm and mitigate for adverse impacts and effects" within the meaning of Section 4(f) [23 CFR 774.17]. The City now believes that the requirements of Section 4(f) have been met by the East Link Project with respect to the Mercer Slough Nature Park, Surrey Downs Park and the Winters' House. Further, these parks mitigation measures reduce the remaining harm to the recreational and other parks uses of the protected resources making the preferred alternative (B2M-C9T) a viable least-harm alternative compared to all other project alternatives.

Mercer Slough Nature Park

The City and Sound Transit have cooperatively identified context-sensitive modifications to the existing B2M project within Mercer Slough Park between the South Bellevue Park and Ride and Winters House. The concept that the parties will continue to refine as project design proceeds is attached to this letter. The City also understands that the current roadway design south of the park and ride preserves a left-hand turn from Bellevue Way to the Swaylocken Boat Launch. When combined with other parks 4(f) mitigation measures published in the FEIS for permanent and temporary impacts to the parks resources, incorporation of these design modifications resolves prior comments the City has submitted regarding vehicular access to the park as well as visual, noise, and proximity impacts to the 4(f) protected activities, features and attributes of Mercer Slough Nature Park.

Surrey Downs Park

Further coordination with Sound Transit has resulted in a commitment to provide compensation and/or replacement land for the property shown in the FEIS as removed from the park on a temporary and permanent basis as a result of the Preferred Alternative that meets the basic standard proposed by Section 4(f) regulation of land of "comparable value and function" [23 CFR 774.17]. This, combined with the other parks 4(f) mitigation measures published in the FEIS for permanent and temporary impacts to the parks resources, resolves prior comments the City has submitted in respect to this protected resource. Should alignments be modified in the future in a way that significantly changes the impact to the activities, features and attributes of this park, the City will fully participate in any addition review and comment opportunities necessary to meet Section 4(f) requirements.

City of Bellevue offices are located at 450 - 110th Avenue N.E.

These steps, conducted under 4(f)'s *all possible planning* requirement allow the City to change its opinion of the Least Overall Harm Analysis included in the FEIS. They show that East Link design does "put a 'thumb on the scale' in favor of protecting Section 4(f) properties." Specifically the inclusion of these design modifications and mitigation measures displays that:

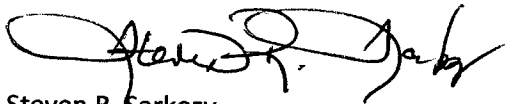
- the adverse parks-related impacts caused by the Preferred Alternative can be mitigated and do not result in remaining harm to the protected resource (Least Harm Factors I and II);
- the relative significance of the protected resources is respected by the design (Factor III);
- the views expressed by the City of Bellevue, as an Official with Jurisdiction have been recognized and addressed (Factor IV)

Further, through additional discussions with Sound Transit and further consideration of when the 4(f) process occurs with respect to environmental review and project design, the City better understands the methodology that led Sound Transit and FTA to identify multiple "least harm" alternatives. The unique nature of this linear facility with a variety of segment options impacting different 4(f) resources was a challenge. The approach used by FTA allows for a reasonable comparison of alternatives to ensure that the intent of 4(f) is satisfied.

Finally, we have reviewed the final draft of the Memorandum of Agreement prepared under the Section 106 requirements for the historic Winters House. The City recognizes that the State Historic Preservation Officer is the designated Official with Jurisdiction to evaluate the historic impact protections under Section 4(f). However, within our role as the Official with Jurisdiction over possible recreational impacts under Section 4(f), the city finds that the MOA contains mitigation sufficient to meet concerns previously addressed by the City, and we look forward to continued work with Sound Transit and the State Historic Preservation Officer during and following construction to ensure that historic and recreational features and attributes of this resource are restored.

As stated in the August 29th letter, the City is appreciative of the commitment shown to date by Sound Transit toward resolving the City's concerns about the 4(f) analysis. The City supports Sound Transit's overall goals for the project and looks forward to continued collaboration. Please accept this letter as a revision to the City's prior comment letters.

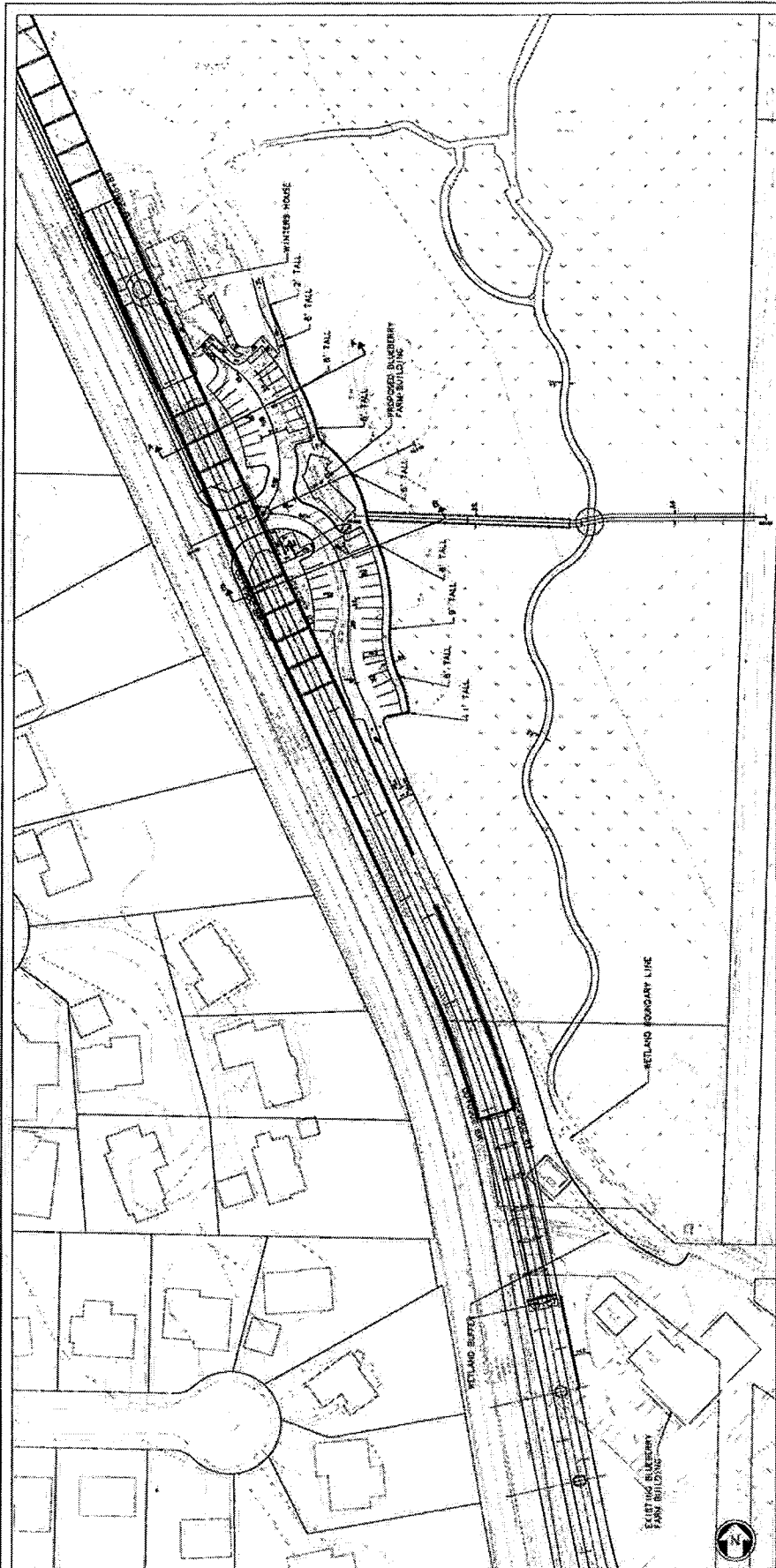
Sincerely,



Steven R. Sarkozy
City Manager

Attached: Mercer Slough Nature Park Modified Design

Cc: Patrick Foran, Director, Parks and Community Services Department
Bernard Van de Kamp, East Link Project Manager
Joni Earl, Sound Transit



DRAFT CONCEPTUAL
SOUND TRANSIT EAST CORRIDOR PROJECT - PE (PHASE 3)
 SEGMENT B - MERCER PARK MITIGATION SUPPORT
 AUGUST 22, 2011

SCALE 1" = 100'



CH2M HILL
 EAST LINK TEAM

